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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

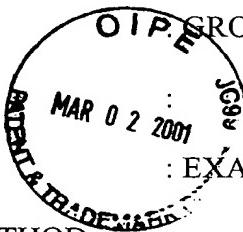
IN RE APPLICATION OF:

Michael C. SCROGGIE ETAL

SERIAL NO. 08/873,974

3<sup>rd</sup> CPA FILED: HEREWITH

FOR: SYSTEM AND METHOD  
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INFORMATION ...



EXAMINER: ROBINSON-BOYCE, A.

#36146  
4-6-01  
**RECEIVED**  
MAR 6 2001  
Technology Center 2100  
**RECEIVED**  
MAR 5 2001  
TC 2600 MAILROOM

APPEAL BRIEF UNDER 37 C.F.R. §1.192

ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, DC 20231

SIR:

This is an appeal from the Notice of Withdrawal from Issue mailed February 13, 2001. A Notice of Appeal is timely filed herewith.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is the assignee of record, SUPERMARKETS ONLINE, INC. 500 West Putnam Avenue, Greenwich, Connecticut 06830.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative and the assignees are aware of no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 50-89, all the claims in the application, were previously allowed, but later withdrawn from issue via the Notice of Withdrawal from Issue mailed February 13, 2001, and are herein appealed.

IV. STATUS OF THE AMENDMENTS

In the Notice of Withdrawal from Issue mailed February 13, 2001, allowed Claims 50-89 were withdrawn from issue due to alleged unpatentability of one or more claims. A Notice of Appeal is timely filed herewith. The attached Appendix I reflects Claims 50-89 as presently pending on appeal.

V. SUMMARY OF THE INVENTION

The present invention relates to a system, process, and computer program product for distributing product incentives to consumers over a communication network including storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site; coupling at least one of a manufacturer network site and a retailer network site to the cooperative network site via the communication network; coupling a consumer computer to one of the manufacturer network site and retailer network site via the communication network; and transmitting from the cooperative network site at least one of the manufacturer incentives and retailer incentives to the consumer over the communication network, in response to a consumer request made over

the communication network from one of the manufacturer network site and retailer network site.

In contrast, conventional systems and methods do not teach nor suggest the above-noted features of the claimed invention. In view of problems inherent with conventional systems and methods, Appellants have discovered an improved system, process, and computer program product for distributing product incentives to consumers over a communication network as described above.

#### VI. ISSUES

(A) Whether one or more of Claims 50-89 are unpatentable as alleged in the Notice of Withdrawal from Issue mailed February 13, 2001?

#### VII. GROUPING OF THE CLAIMS

For issue (A), Claims 50-89 are individually patentable as argued below and do not stand or fall together.

#### VIII. ARGUMENT

(A) One or more of Claims 50-89 are considered unpatentable as alleged in the Notice of Withdrawal from Issue mailed February 13, 2001. Such assertion is unfounded in the Notice of Withdrawal from Issue mailed February 13, 2001 and should not be sustained since no *prima facia* case for unpatentability of one or more of Claims 50-89 has been made therein.

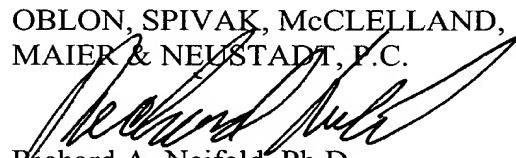
In a Notice of Allowance mailed April 21, 2000, Claims 50-89 were allowed over the prior art and it is respectfully requested that Notice of Withdrawal from Issue mailed February 13, 2001, be REVERSED.

IX. CONCLUSION

The Notice of Allowance mailed April 21, 2000, allowed Claims 50-89 over the prior art. Accordingly, it is respectfully requested that the Notice of Withdrawal from Issue mailed February 13, 2001, be REVERSED.

Respectfully submitted,

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APPENDIX I

CLAIMS ON APPEAL

50. A system for distributing product incentives to consumers over a communication network, comprising:

a cooperative network site configured to store at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer;

at least one of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network; and

a consumer computer coupled to one of said manufacturer network site and retailer network site via said communication network,

wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

51. The system of claim 50, wherein said cooperative network site is configured to store at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

52. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said manufacturer network site, said cooperative network site transmits a geographically limited list of retailers honoring

incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site;

    said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

    said cooperative network site transmits incentives corresponding to said selection data to said consumer via said manufacturer network site.

53. The system of claim 52, wherein said cooperative network site transmits said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

54. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

    said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

    said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

55. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

56. The system of claim 50, wherein, in response to said consumer transmitting an identification code over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, said incentive data is based on consumer specific data of said consumer associated with said identification code;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

57. The system of claim 55, wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer.

58. The system of claim 55, wherein said incentive data is based on said consumer specific data comprising demographic data of said consumer.

59. The system of claim 55, wherein said incentive data is based on said consumer specific data comprising customer profile data of said consumer.

60. A process for distributing product incentives to consumers over a communication network, comprising:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

61. The process of claim 60, further comprising:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

62. The process of claim 60, further comprising:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

63. The process of claim 62, further comprising:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

64. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

65. The process of claim 60, further comprising:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

66. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

67. The process of claim 65, further comprising:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

68. The process of claim 65, further comprising:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

69. The process of claim 65, further comprising:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

70. A system for distributing product incentives to consumers over a communication network, comprising:

means for storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

means for coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

means for coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

means for transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

71. The system of claim 70, further comprising:

means for storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

72. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

73. The system of claim 72, further comprising:

means for transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

74. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

75. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

76. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

77. The system of claim 75, further comprising:

means for basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

78. The system of claim 75, further comprising:

means for basing said incentive data on said consumer specific data comprising demographic data of said consumer.

79. The system of claim 75, further comprising:

means for basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

80. A computer program product comprising a computer storage medium having a computer program embedded in said computer storage medium for causing a computer to distribute product incentives to consumers over a communication network, said computer program performing the steps of:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

81. The computer program product of claim 80, said computer program further performing the steps of:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

82. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

83. The computer program product of claim 82, said computer program further performing the steps of:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

84. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

85. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

86. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

87. The computer program product of claim 85, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

88. The computer program product of claim 85, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

89. The computer program product of claim 85, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.